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11 CHRISTIAN NICHOLAS CLAUSTRO

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,
16 Plaintiff,
17 vs.
18 CHRISTIAN NICHOLAS
19 CLAUSTRO,
20 Defendant.

Case No. 1:22-mj-00197-SAB

**STIPULATION TO MODIFY CONDITIONS
OF PRETRIAL RELEASE; ORDER**

Judge: Hon. Barbara A. McAuliffe

21 IT IS HEREBY STIPULATED by and between the parties through their respective
22 counsel, Assistant United States Attorney Robert Veneman-Hughes, counsel for plaintiff, and
23 Assistant Federal Defender Erin Snider, counsel for Christian Nicholas Claustro, that the Court
24 may modify Condition 6 of Mr. Claustro's pretrial release to add a second third-party custodian,
25 specifically, Eva Moon, and that the Court may strike Condition 7(h), pursuant to which Mr.
26 Claustro is required to seek and maintain employment.

27 On January 4, 2023, this Court ordered Mr. Claustro released on a \$20,000 bond secured
28 by two vehicle titles. *See* ECF #10. Amongst other conditions of release, Mr. Claustro was
placed in the custody of Zeferino Claustro, his father. Additionally, the Court ordered Mr.
Claustro to seek and maintain employment. *See id.*

29 Pretrial Services has now raised concerns about Zeferino Claustro's suitability to be a
30 third-party custodian, given Zeferino Claustro's alleged desire to be more of a "friend" to his son

1 than a third-party custodian. In light of Pretrial Services' concerns and at Pretrial Services'
2 request, the parties request that the Court add an additional third-party custodian. Specifically,
3 the parties request that the Court appoint Eva Moon, Mr. Claustro's mother, as his third-party
4 custodian.

5 Pretrial Services Officer Brian Bedrosian has spoken with Ms. Moon, who has expressed
6 her willingness to serve as an additional third-party custodian. Officer Bedrosian informed Ms.
7 Moon of the requirements, the consequences of not reporting violation conduct, and the
8 responsibilities of serving as a third-party custodian, and Ms. Moon stated that she is willing to
9 accept the responsibilities. She self-reported she is a United States citizen, and she has no
10 criminal record and no history of alcohol or substance abuse. A criminal record check for Ms.
11 Moon confirmed she has no criminal record. She is currently employed on a full-time basis as an
12 ultrasound technician for San Antonio Regional Hospital in Upland, California. After fully
13 vetting Ms. Moon, Pretrial Services believes she is a suitable third-party custodian.

14 In addition to adding a third-party custodian, the parties request that the Court strike
15 Condition 7(h), which requires Mr. Claustro to "seek and/or maintain employment and provide
16 proof of same as requested by [his] pretrial services officer." ECF #10 at 2. Mr. Claustro's
17 Pretrial Services Officer in the Central District of California has requested the removal of this
18 condition. The officer believes it is appropriate to remove the condition so as to not set Mr.
19 Claustro up for failure. The parties agree that Mr. Claustro's primary concern should be his
20 mental health at this time. Officer Bedrosian joins in this request.

21 Accordingly, in light of the foregoing, the parties respectfully request that the Court
22 modify Condition 6 to include Eva Moon as an additional third-party custodian and that the
23 Court strike Condition 7(h).

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Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

Date: October 30, 2023

/s/ Robert Veneman-Hughes
ROBERT VENEMAN-HUGHES
Assistant United States Attorney
Attorney for Plaintiff

HEATHER E. WILLIAMS
Federal Defender

Date: October 30, 2023

/s/ Erin Snider
ERIN SNIDER
Assistant Federal Defender
Attorney for Defendant
CHRISTIAN NICHOLAS CLAUSTRO

ORDER

IT IS SO ORDERED. The Court hereby modifies Condition 6 of Mr. Claustro's release as follows:

(6) The defendant is placed in the custody of Zeferino Claustro and Eva Moon, who agree (a) to supervise the defendant in accordance with all conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings; and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

The Court also strikes Condition 7(h), which requires Mr. Claustro to “seek and/or maintain employment and provide proof of same as requested by [his] pretrial services officer.”

All other conditions shall remain in full force and effect.

IT IS SO ORDERED.

Dated: October 30, 2023

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE